

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Gerald Cavis, hereinafter referred to as your affiant, a Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, state and depose as follows:

BACKGROUND

1. Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since January of 2017. Your affiant is currently assigned to the FBI San Juan Division, Counterterrorism Squad and previously was assigned to the Public Corruption Squad for approximately 2 years. As an FBI Special Agent, your affiant has received extensive training in a variety of investigative techniques and legal matters concerning violations of federal and state law. Prior to being a Special Agent with the FBI, your affiant was a sworn Law Enforcement Officer with the Orange County Sheriff's Office in Orlando, Florida from 2007 to 2016. During this time, your affiant served in the Uniform Patrol Division before becoming a Detective in Narcotics (3 years), Violent Crimes (3 years) and finishing on the Joint Terrorism Task Force. Your affiant has participated in a vast number of criminal investigations as the primary investigator on both the state and federal levels. Your affiant is "an investigative or law enforcement officer of the United States" within the meaning of Section 2510 (7) of Title 18, United States Code. Your affiant is therefore, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code.

2. The information contained in this affidavit is based on your affiant's participation in the investigation as well as information provided to your affiant by other local and federal law enforcement agents. Because this affidavit is made for the limited purpose of establishing probable cause to believe that ELIMAR ALICIA CHARDON SIERRA ("CHARDON") violated 47 U.S.C. § 223(a)(1)(E), your affiant has not recited each and every fact known to your affiant as a result of this investigation.

FACTS SUPPORTING PROBABLE CAUSE

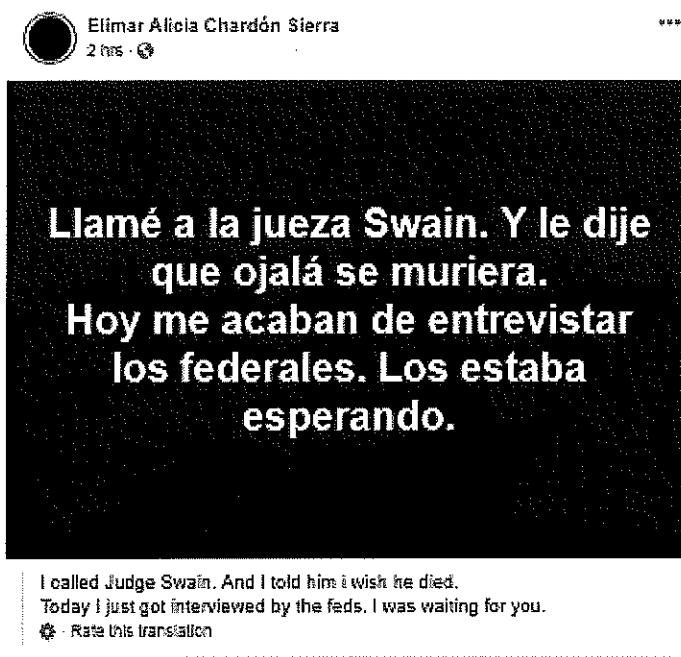
3. On February 14, 2019 FBI agents received information regarding harassing phone messages left on the chambers voicemail of the Honorable Laura Swain, a United States District Judge in the Southern District of New York; Judge Swain's chambers are located in the State of

New York. In the voicemails, the caller identified herself as “Alicia” and provided her telephone number.

4. “Alicia” was later identified as ELIMAR ALICIA CHARDON SIERRA (CHARDON). CHARDON is a resident of San Juan, Puerto Rico and currently employed as an elementary school teacher at the Instituto Loaiza Cordero in San Juan, Puerto Rico. CHARDON left the harassing messages on February 5, 2019 at 0903, 1240 and 1246 hours. The telephone calls were placed from Puerto Rico.
5. During the first voicemail left at 0903 hours CHARDON rants to Judge Swain, periodically raising her voice. She complains about Judge Swain “condemning the people of Puerto Rico” and claims the Puerto Rican people are “hostages of your stupid government.” CHARDON blames Judge Swain for “condemning” the Puerto Rican people to “40 years of slavery” and tells Judge Swain, “I hope you get mugged.”
6. In the second voicemail left for Judge Swain at 1240 hours, CHARDON states: “did you know Puerto Rico is a fucking territory of the United States?;” “did you know Judge that we have no voice over our own destiny, you have our fucking lives in your fucking hands you motherfucking bitch.” CHARDON claims the government “isn’t fixing shit” and asks Judge Swain “why don’t you send those fucking politicians to jail goddamnit?” CHARDON states later in the message: “I hope you die, I hope you die, I hope somebody gets into your home, I hope you get robbed” before ending the call by saying “fuck you, fuck you and fuck you again . . . I hope you die you motherfucking bitch.”
7. In the third voicemail left for Judge Swain at 1246 hours, CHARDON continues ranting, stating: “you are no Judge, you are no Judge, you are no Judge, you make no justice;” “you are no Judge, you are only a Misses. Mrs. Swain, you are nothing but an old lady.” CHARDON also states multiple times, “you should end up homeless, you should end up homeless.” CHARDON also states numerous times throughout the recording, “I hope you lose your health insurance, that’s what you deserve, to be in the streets.” CHARDON taunts Judge Swain, asking “why don’t you move to Puerto Rico, you won’t you fucking coward.” CHARDON tells Judge Swain “I hope you get homeless, I want you to feel the cold in the streets;” and “I want you to have nowhere to go.” CHARDON continues on stating: “If you believe in god I hope he punishes you;” “yeah do you believe in God? Do you? I don’t think you do;” “Do you think yeah he’ll be happy, he’s a motherfucking psycho of course god will

be happy with this shit he's a psycho just like you. Yeah Psycho bitch, yeah psycho bitch, yeah psycho bitch;" "who's a psycho bitch, who's a psycho bitch." CHARDON claims Judge Swain "looks down on us, treating us like shit" and "you fuck us, you fuck us all, fuck you, fuck you." CHARDON taunts Judge Swain to come to Puerto Rico and states "we hate you, we fucking hate you;" "you're a motherfucking bitch, you're the worst, you're a motherfucking bitch, you're a motherfucking bitch, die bitch die" and later states "I want you dead." CHARDON is heard saying: "What you going to do?" at least five times and then states "what you going to do motherfucking bitch." The recording cuts off with CHARDON continuing to scream.

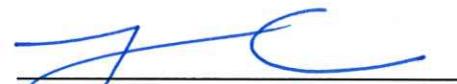
8. On February 20, 2019 FBI agents and Deputy U.S. Marshals conducted a non-custodial interview of CHARDON. During the interview CHARDON confessed to calling Judge Swain and leaving the above described voicemail messages from Puerto Rico. CHARDON reiterated that she hated Judge Swain and hoped she would die. CHARDON also mentioned she would kill the President of the United States if she had the opportunity to do so.
9. Following the interview, CHARDON posted a message on Facebook stating: "I call Judge Swain. I told her I hoped she died. The feds just interviewed me. I was waiting for them." A copy of the Facebook post in Spanish is below:



CONCLUSION

10. Based on the information above, your affiant submits that there is probable cause to believe that ELIMAR ALICIA CHARDON SIERRA Title 47, United States Code, Section 223(a)(1)(E) (making repeated harassing telephone communications in interstate commerce).

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.



Gerald Cavis
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on the 21st day of February, 2019.



Hon. Bruce J. McGiverin
United States Magistrate Judge